

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:23cv0108 (LMB/JFA)
)	
GOOGLE LLC,)	
)	
Defendant.)	
)	

ORDER

This matter is before the court on defendant’s motion to seal certain portions of its memorandum in support of its motion to dismiss the United States’ damages claim as moot and to strike the jury demand and exhibits 1, 12, 13, 14, 20, and 21 that were attached to the memorandum. (Docket no. 633). In the memorandum in support of the motion to seal, defendant states that it redacted portions of the memorandum in support of its motion to dismiss and filed under seal exhibits 1, 12, 13, 14, 20 based on plaintiffs designating that information as confidential. Defendant’s memorandum states that a portion of the redactions to exhibit 21 are supported by Federal Rule of Civil Procedure 5.2 relating to a financial account number. The remaining redactions to exhibit 21 relate to the amount of the cashier’s check that was tendered to plaintiffs. On May 23, 2024, plaintiffs filed a response to this motion stating that they had no objection to the redactions in the memorandum being unsealed along with exhibits 13, 14, 20, and 21. (Docket no. 682). Plaintiffs attached to their response proposed redacted versions of exhibits 1 and 12 in which the names and email addresses of individuals not employed by the Department of Justice are redacted to protect the privacy of those individuals.

Initially, the court finds that the materials filed relating to this motion to dismiss would require an analysis of the public's access under the First Amendment standard requiring that access may be restricted only if it is necessitated by a compelling government interest and the denial of access is narrowly tailored to serve that interest. *See Va. Dep't of State Police v. Wash. Post*, 386 F.3d 567, 575 (4th Cir. 2004); *Doe v. Pub. Citizen*, 749 F.3d 246, 266 (4th Cir. 2014). Having reviewed the submissions of the parties and taking into account the Fourth Circuit's directives, the court finds

1. That the motion to seal the memorandum in support of the motion to dismiss is denied and docket number 632 shall be unsealed.
2. The motion to seal exhibits 1 and 12 is granted in part. Plaintiffs have filed in the public record a redacted version of those exhibits that removes only the names and email addresses of certain individuals to protect their privacy. (Docket nos. 682-1, 682-2). The substantive portion of those exhibits is now in the public record. Therefore, the unredacted version of exhibits 1 and 12 (Docket nos. 632-1 and 632-2) shall remain under seal.
3. The motion to seal exhibits 13, 14, and 20 is denied and docket nos. 632-3, 632-4, and 632-5 shall be unsealed.
4. The motion to seal exhibit 21 is granted in part and denied in part. Pursuant to Federal Rule of Civil Procedure 5.2 certain financial account information may be redacted. The court will allow the redacted information at the bottom of exhibit 21 showing all but the last four digits of the routing information to remain under seal. The motion to seal the other information in exhibit 21, including the check number and the amount of the payment tendered to plaintiffs, is denied. Defendant shall

prepare a revised version of exhibit 21 in which only the financial routing information is redacted. The court will allow docket no. 632-6 to remain under seal.

In accordance with this Order, within seven days defendant shall file in the public record an unredacted version of memorandum in support of the motion to dismiss along with exhibits 13, 14, 20, and a revised, redacted version of exhibit 21.

To the extent exhibits 1, 12, or 20 are used in any further proceedings in this case, only the redacted versions of those exhibits should be filed with the court and it is not necessary to file an unredacted version of those documents since the redacted information has no substantive bearing on any issues in this case.

Entered this 28th day of June, 2024.

Alexandria, Virginia


_____/s/_____
John F. Anderson
~~United States Magistrate Judge~~
John F. Anderson
United States Magistrate Judge